

## REMARKS/ARGUMENTS

In the Office Action mailed January 18, 2008, claims 2-7, 15-19, 22, and 24 were rejected. Additionally, claims 20, 21, and 23 were objected to, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, Applicants hereby request reconsideration of the application in view of the proposed amendments and the below-provided remarks. Applicants submit that the proposed amendments place the present application in condition for allowance or in better condition for appeal.

For reference, claims 15 and 16 are canceled and proposed amendments are presented for claims 4, 5, and 17-24. In particular, the proposed amendments for claims 4 and 5 clarify the language of the claims. The proposed amendment for claim 17 clarifies the language of the claim, as well as clarifies the structural relationships among the several recited structural limitations. The proposed amendments for claims 18 and 19 clarify the language of the claims, as well as recite additional limitations to describe the bifocal diffractive lens (claim 18) and the hybrid diffractive/refractive element (claim 19). The proposed amendments for claims 20-24 clarify the language of the claims. These amendments are presented to place the present application in condition for allowance. Alternatively, these proposed amendments place the present application in better condition for appeal.

Additionally, claims 25-30 are added. Claim 25 is added to recite a plug, as previously recited in claim 15, which is canceled. Claim 26 is added to recite a sealing ring, a second contact pad, and a second plug, as previously recited in claim 16, which is canceled. Claim 27 is added to recite some of the limitations of claim 17 in combination with a cylindrical alignment post. Claims 28 and 29 are added to recite a hollow cylinder (claim 28) and a solid, transparent cylinder (claim 29), as recited in claims 20 and 21. Claim 30 is added to recite some of the limitations of claim 17 in combination with a partial spherical alignment feature. Applicants respectfully submit that claims 27-30 are presented to recite allowable subject matter based on the allowable subject matter of claims 20, 21, and 23, as recognized in the present Office Action. Accordingly, these

proposed amendments place the present application in condition for allowance or in better condition for appeal.

Also, while the Office Action provides a statement of reasons for the indication of allowable subject matter, the Office Action's statement is directed to specific aspects of certain claims and not necessarily all of the claims. Applicants note that the Office Action's comments may have paraphrased the language of the claims and it should be understood that the language of the claims themselves set out the scope of the claims. Thus, it is noted that the claim language should be viewed in light of the exact language of the claim rather than any paraphrasing or implied limitations thereof.

#### Claim Rejections under 35 U.S.C. 102 and 103

Claims 2-7, 15-19, 22, and 24 were rejected under 35 U.S.C. 102(b) as being anticipated or, in the alternative, under 35 U.S.C. 103(a) as obvious over Weidel et al. (U.S. Pat. No. 4,966,430, hereinafter Weidel). Additionally, claims 2-7, 15-22, and 24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Weidel with Wang et al. (U.S. Pat. No. 6,947,224, hereinafter Wang) and Johnson, of record. However, Applicants respectfully submit that these claims are patentable over Weidel, Wang, and Johnson at least for the reasons provided below.

#### Independent Claim 17

Claim 17 recites “a lens on the substrate between the substrate and the planarization layer, the lens to receive light from the laser, through the planarization layer and the top layer, and to direct the light through the substrate into the alignment post opposite the planarization layer, wherein the lens comprises a surface to provide at least one focal length to focus the light near an end of the alignment post, and wherein the substrate, the planarization layer, and the top layer are transparent to the light” (emphasis added).

In contrast, the cited references do not disclose or teach all of the limitations of the claims. While the Office Action relies on Weidel as purportedly disclosing or teaching the limitations of claim 17, Applicants respectfully submit that Weidel does not disclose or teach all of the limitations of claim 17 at least because Weidel does not

disclose or teach the structural relationships among the various structural elements recited in the claim. In particular, Weidel does not disclose or teach a lens to receive light from a laser, through a planarization layer and a top layer, and to direct the light through a substrate into an alignment post opposite the planarization layer. In other words, the light does not travel through the layers of Weidel in the following order: top layer, planarization layer, lens, substrate, and alignment post. Rather, Weidel merely describes generating light at a laser and transmitting the light through a hole in the semiconductor layer 2, through a hole in the electrical conductor path layer 3, and into a light waveguide 5 within the optical conducting layer 4. However, this path of the light through the system described in Weidel is different than the path of the light as recited in the claim because the light does not pass through all of the same layers in the same order.

Furthermore, Weidel does not disclose or teach a substrate, a planarization layer, and a top layer which are transparent to light. In the previous Office Action, the Examiner asserted that the optical conducting layers 4 (e.g., glass) of Figure 3 are both the substrate and the planarization layer. However, none the optical conducting layers 4 are a substrate, as recited in the claim, because the semiconductor circuit described in Weidel has an independent substrate 1, which is separate from the optical conducting layers 4. Therefore, the optical conducting layers 4 should not be considered to be a substrate, within the context of Weidel, because Weidel describes a specific substrate of the semiconductor circuit. Moreover, the substrate 1 of Weidel is not described as being transparent in any way. Additionally, the semiconductor layer 2 and the electrical conductor path layer 3 are not described as being transparent to light. While these layers may be etched to form a recess or indentation for mounting an optoelectrical transponder, there is no description of transmitting light through the material of the semiconductor layer 2 or the electrical conductor path layer 3. Therefore, Weidel does not describe these layers as being transparent to light. Since the substrate 1, semiconductor layer 2, and electrical conductor path layer 3 are not described as being transparent, Applicants respectfully submit that Weidel does not describe a substrate, a planarization layer, and a top layer which are transparent to light.

Therefore, Weidel does not disclose or teach all of the limitations of the claims because Weidel does not disclose or teach the structural relationships among the various

structural elements recited in the claim. Additionally, Weidel does not disclose or teach all of the limitations of the claims because Weidel does not disclose or teach a substrate, a planarization layer, and a top layer which are transparent to light. Accordingly, Applicants respectfully submit that claim 1 is patentable over Weidel, either alone or in combination with the other references, because Weidel does not disclose or teach all of the limitations of the claim.

Independent Claim 27

Applicants respectfully assert independent claim 27 is also patentable over Weidel, either alone or in combination with the other cited references, for at least one or more of the reasons stated above in regard to the rejection of independent claim 17. Here, although the language of claim 27 differs from the language of claim 17 and the scope of claim 27 should be interpreted independently of claim 17, Applicants respectfully assert that the remarks provided above in regard to the rejection of claim 17 also apply to the rejection of claim 27. Accordingly, Applicants respectfully assert claim 27 is patentable over Weidel, either alone or in combination with the other references, because Weidel does not disclose or teach the structural relationships among the various structural elements recited in the claim.

Additionally, Applicants submit that claim 27 is patentable over Weidel and the other cited references because claim 27 recites a cylindrical alignment post, which is not described in Weidel. Weidel merely describes the light waveguide 5 within the optical conducting layer 4, but the light waveguide 5 is not described as a cylindrical alignment post. Similarly, the surrounding semiconductor layer 2 and the electrical conducting path layer 3 are not described as a cylindrical alignment post. Accordingly, for this additional reason, Applicants respectfully submit that claim 27 is patentable over Weidel, either alone or in combination with the other cited references.

Independent Claim 30

Applicants respectfully assert independent claim 30 is also patentable over Weidel, either alone or in combination with the other cited references, for at least one or more of the reasons stated above in regard to the rejection of independent claim 17.

Here, although the language of claim 30 differs from the language of claim 17 and the scope of claim 30 should be interpreted independently of claim 17, Applicants respectfully assert that the remarks provided above in regard to the rejection of claim 17 also apply to the rejection of claim 30. Accordingly, Applicants respectfully assert claim 30 is patentable over Weidel, either alone or in combination with the other references, because Weidel does not disclose or teach the structural relationships among the various structural elements recited in the claim.

Additionally, Applicants submit that claim 30 is patentable over Weidel and the other cited references because claim 30 recites a spherical alignment post, which is not described in Weidel. As explained above, Weidel merely describes the light waveguide 5 within the optical conducting layer 4, but the light waveguide 5 is not described as a spherical alignment post. Similarly, the surrounding semiconductor layer 2 and the electrical conducting path layer 3 are not described as a spherical alignment post. Accordingly, for this additional reason, Applicants respectfully submit that claim 30 is patentable over Weidel, either alone or in combination with the other cited references.

#### Dependent Claims

Claims 2-7, 18-26, 28, and 29 depend from and incorporate all of the limitations of the corresponding independent claims 17 and 27. Applicants respectfully assert claims 2-7, 18-26, 28, and 29 are allowable based on allowable base claims. Additionally, each of claims 2-7, 18-26, 28, and 29 may be allowable for further reasons, as described below.

In regard to claims 20, 21, 23, 28, and 29, Applicants respectfully submit that these claims are patentable over the cited references because the Office Action acknowledges that the recited subject matter is allowable. While the reasoning provided in the Office Action as to the allowability of the recited subject matter does not determine the scope of the claims, the Office Action's recognition of the allowability of at least some of the recited subject matter is sufficient to maintain the allowability of these claims. Accordingly, Applicants respectfully assert that claims 20, 21, 23, 28, and 29 are patentable over the cited references.

## **CONCLUSION**

Applicants respectfully requests reconsideration of the claims in view of the proposed amendments and remarks made herein. A notice of allowance is earnestly solicited.

Respectfully submitted,

/mark a. wilson/

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Mark A. Wilson  
Reg. No. 43,994

Wilson & Ham  
PMB: 348  
2530 Berryessa Road  
San Jose, CA 95132  
Phone: (925) 249-1300  
Fax: (925) 249-0111